

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DION MATHEWS and MUSTAFA-EL K.A. AJALA
formerly known as Dennis E. Jones-El,

Plaintiffs,

v.

RICK RAEMISCH, PETER HUIBREGTSE,
GARY BOUGHTON, JAMES GREER,
DAVID BURNETT, CYNTHIA THORPE,
LT. HANFELD, MARY MILLER,
KAMMY JONES and WISCONSIN DEPARTMENT OF CORRECTIONS,

Defendants.

ORDER

10-cv-742-bbc

As directed in this court's order of July 6, 2012, plaintiffs Dion Mathews and Mustafa-El K.A. Ajala have submitted certified copies of their trust fund account statements so that a determination may be made whether they are indigent for the purpose of proceeding on appeal in forma pauperis and if they are, what amount must be assessed under the 1996 Prison Litigation Reform Act as initial partial payments of the fee for filing their appeal. (In the July 6 order, I found that plaintiffs' appeal is not taken in bad faith and that they are not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal in forma pauperis.) From plaintiffs' trust fund account statements, I conclude that they qualify for indigent status and assess them each an initial partial payment of the \$455 fee for filing his appeal. Plaintiff Mathews is assessed in the amount of \$139.95

and plaintiff Ajala in the amount of \$18.99.

If either plaintiff does not have the money to make the initial partial appeal payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. The only amount each plaintiff must pay at this time is the initial partial appeal payment. Before prison officials take any portion of that amount from either plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes. Each plaintiff should show a copy of this order to prison officials to make sure they are aware they should send plaintiff's initial partial appeal payment to this court.

ORDER

IT IS ORDERED that

1. Plaintiffs Dion Mathews and Mustafa-El K.A. Ajala's request for leave to proceed in forma pauperis on appeal is GRANTED.
2. Plaintiff Dion Mathews may have until August 12, 2012, in which to submit a check or money order made payable to the clerk of court in the amount of \$139.95.
3. Plaintiff Mustafa-El K.A. Ajala may have until August 12, 2012, in which to submit a check or money order made payable to the clerk of court in the amount of \$18.99.

4. If, by August 12, 2012, either plaintiff fails to pay the initial partial payment, or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.
5. Further, the clerk of court is requested to insure that the court's financial records reflect each plaintiff's obligation to pay the initial partial payments and the remainder of the \$455 fee in monthly installments.

Entered this 19th day of July, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge